

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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 IN THE MATTER OF: :
 :
 Fast Trip, LLC :
 t/a Bistro on U Street :
 926-928 U Street NW :
 :
 License No. 98081 :
 ANC 1B :
 -----:

AUGUST 12, 2015

The Alcoholic Beverage Control Board met
 in the Alcoholic Beverage Control Hearing Room,
 Reeves Building, 2000 14th Street N.W., Washington,
 D.C., Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 DONALD BROOKS, Member
 NICK ALBERTI, Member
 HECTOR RODRIGUEZ, Member
 MIKE SILVERSTEIN, Member
 JAMES SHORT, Member

 HERMAN JONES, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 10:06 a.m.

3 CHAIRPERSON MILLER: All right, next is
4 another protest status hearing, Case No. 15-PRO-00062,
5 Bistro on U Street, 926 - 928 U Street, Northwest,
6 License No. 98081 in ANC 1B. Is anybody here for that
7 case?

8 Okay, no one is here for Bistro. Dismiss
9 it? Reschedule it?

10 All right, so, it's 10:07 a.m. and the
11 case is called for 9:30 a.m., but a lot of cases
12 called for 9:30 a.m., so, I'm going to pass this right
13 now, not seeing anybody here at the moment.

14 (Whereupon, the above-entitled matter went
15 off the record at 10:08 a.m. and resumed at 10:45
16 a.m.)

17 CHAIRPERSON MILLER: Okay, we have one
18 more case that we passed, that I'm going to recall.

19 That is Case No. 15-PRO-00062, Bistro on
20 U Street, located at 926 - 928 U Street, Northwest,
21 License No. 98081 in ANC 1B. Good morning, again.

22 MS. SULLIVAN: Good morning.

1 CHAIRPERSON MILLER: Okay, so, would you
2 introduce yourself for the record in this case please?

3 MS. SULLIVAN: Sure. I'm Ellen Sullivan
4 and ANC Commissioner for 1B-02, and Bistro on U is
5 within my single member district.

6 CHAIRPERSON MILLER: Okay, so, when I
7 called this case previously, Bistro on U Street wasn't
8 here. Are they here right now?

9 Okay, not hearing from them, it's now
10 10:46 a.m. and the case was called at 9:30 a.m., and
11 we haven't heard anything from Bistro on U.

12 MS. SULLIVAN: They were here previously.

13 CHAIRPERSON MILLER: Today?

14 MS. SULLIVAN: Yes.

15 CHAIRPERSON MILLER: Okay, can you --

16 MEMBER SILVERSTEIN: What did she say?

17 CHAIRPERSON MILLER: She said they were
18 here.

19 MS. SULLIVAN: They were. They were here.
20 I've been here since about probably 9:35 a.m., and
21 Jermaine Matthews, he represents them, was here at
22 that time, and then Mr. Mohammed Alhada was here after

1 that.

2 But they -- my understanding is that --
3 and Ms. Jenkins can speak better to this, as I believe
4 she actually received an email from them, that they
5 unfortunately, are going to withdraw their application
6 due to the fact that we have been -- the ANC has been
7 working with them, and they've been working with ABRA
8 since February, to try to get a ruling on their
9 application.

10 CHAIRPERSON MILLER: Okay, I'm sorry that
11 we didn't get a chance to hear them here.

12 MS. SULLIVAN: It is unfortunate. It's
13 been -- as a new ANC Commissioner, I can say it's been
14 quite a learning experience to be involved with this
15 case, as soon as I was sworn in, in January, and we
16 have worked with them trying to get a stipulated
17 license because they were going to be a new type of
18 establishment in our neighborhood, and we really
19 wanted sort of a test case, to see how that would
20 work, and that's why the ANC supported them for a
21 stipulated license.

22 ABRA never ruled on that case, starting

1 back in February. So, the ANC proceeded in good
2 faith. We met with the community, multiple times. We
3 went ahead and wrote a new settlement agreement. It
4 went through our ABC committee. It went through the
5 ANC Commission for a full vote, and we still were
6 waiting for ABRA to rule on a question of fitness for
7 licensure, because the ANC relies on ABRA, since you
8 have investigators and we don't, to provide that
9 information.

10 If you feel there is a concern and you
11 bring up a case, the ANC feels that it is wise to wait
12 for that case to be decided.

13 Unfortunately, in this case it has taken
14 an extended period of time, which has caused the
15 business owner such distress that at this point, they
16 no longer, our understanding, financially can wait,
17 and so, we've lost a business that the ANC was ready
18 to support, once ABRA had done their part of the
19 process, and it's unfortunate, because we now have an
20 empty corner again, on a very prominent location, next
21 to the Grimke School Building, which is about ready
22 to, fingers crossed, become a landmark once again in

1 our neighborhood, and it's going to be next to an
2 empty store front.

3 CHAIRPERSON MILLER: Okay, well, I'm sorry
4 the process did not work so well in this case, and I'm
5 sorry that -- again, that we didn't get to hear from
6 them.

7 So, since you're with the ANC, I just want
8 to say that in the future, if there is some type of
9 schedule issue or somebody has to go, to feel free to
10 contact Ms. Jenkins or a member of our staff, to let
11 them know, or ask if you might be taken out of order,
12 because you know, other cases are scheduled for the
13 same time.

14 MS. SULLIVAN: Sure.

15 CHAIRPERSON MILLER: Okay.

16 MS. SULLIVAN: I don't think it was that
17 there was a scheduling issue.

18 CHAIRPERSON MILLER: Okay.

19 MS. SULLIVAN: I think that when they saw
20 that it was going to -- that the only way that we
21 would possibly get an answer on the fitness for
22 licensure was to go to a protest hearing in September.

1 They knew that they were at the end of
2 their finances, and that basically doing -- doing
3 that, would put them passed what they were capable of
4 doing, and so, instead of extending themselves further
5 financially, they had to make the hard decision and
6 were prepared, I think this morning, to make that hard
7 decision to withdraw.

8 CHAIRPERSON MILLER: Okay.

9 MS. SULLIVAN: So, that decision was made
10 at probably about 9:45 a.m. or 10:00 a.m.

11 CHAIRPERSON MILLER: Okay, so, what you're
12 saying is, they didn't want to address the Board?

13 MS. SULLIVAN: I'm not -- I'm surprised
14 that they are not here. I thought they were going to
15 stay and officially withdraw. So, I was shocked that
16 they're not present.

17 CHAIRPERSON MILLER: Okay.

18 MS. SULLIVAN: But my understanding is,
19 that's what they'd like to do.

20 CHAIRPERSON MILLER: Okay, all right, any
21 other questions by Board Members?

22 Okay, so procedurally, I think where we're

1 at is because they're not here, that our regulations
2 say that we dismiss them at this point and we cannot
3 get their statement, but that's what I'm going to then
4 move to do.

5 First, I want to -- our regulation at
6 1603.3, failure to appear in person or through a
7 designated representative for the license application
8 for dismissal of a protest, unless the discretion of
9 the Board, good cause is shown for failure to appear.

10 Then it says a request for reinstatement
11 of the Board must be filed within 10 days of the
12 dismissal or denial date, and that would be after
13 written order.

14 So, I think procedurally at this point,
15 that's what I'm going to move to do, as that they
16 didn't stay to appear before the Board, and that would
17 be the motion to deny the application. Do I have a
18 second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON MILLER: Mr. Silverstein
21 seconded the motion.

22 MEMBER SHORT: Mr. Short.

1 CHAIRPERSON MILLER: Mr. Short, okay, Mr.
2 Short seconded the motion. All those in favor say
3 aye.

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: The motion passes 6-
10 0-0. Thank you for coming in and communicating to us
11 what the concerns are.

12 MS. SULLIVAN: Thank you.

13 CHAIRPERSON MILLER: All right, thank you.

14 (Whereupon, the above-entitled matter went
15 off the record at 10:52 a.m.)
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